

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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VISTA FOOD EXCHANGE, INC.,

1:17-cv-07454 (ALC)(SN)

(Related Case Number
1:21-cv -04689-ALC)

Plaintiff,

AMENDED
JUDGMENT

-against -

LAWSON FOODS, LLC,

Defendant.

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On April 3, 2023, the Clerk of this Court entered judgment in favor of Plaintiff Vista Food Exchange, Inc. against Defendant Lawson Foods, LLC and marked the case closed. Plaintiff Vista Food Exchange, Inc. subsequently made a timely motion pursuant to Rule 59(e) to alter or amend the judgment and on October 23, 2023, the Court granted the motion and ordered the Clerk to amend the judgment. Because the Clerk's Amended Judgment of October 24, 2023, failed to conform to the Court's October 23, 2023, order, the Court hereby VACATES the Clerk's Amended Judgment of October 24, 2023, and enters this Amended Judgment as follows:

It is hereby ORDERED, ADJUDGED AND DECREED: that Plaintiff's motion under Fed. R. Civ. P. 59(e) [ECF No. 264], is GRANTED. As such, Plaintiff's motion to expedite [ECF No. 268] is dismissed as moot.

It is further ORDERED, ADJUDGED AND DECREED: that for the reasons stated in the Court's Amended Order dated April 5, 2023, and the Court's October 23, 2023, order granting Plaintiff's Rule 59(e) motion, Magistrate Judge Sarah Netburn's March 14, 2022, Report and

Recommendation is adopted. **The Court finds that Defendant Lawson Foods, LLC, Simon Law, and Fortress Foods, LLC, are jointly and severally liable to Plaintiff Vista Food Exchange, Inc., in the total amount of \$3,120,377.46.** This total judgment amount is comprised of (1) \$1,295,974 in compensatory damages, (2) \$861,840.46 in pre-judgment interest on the compensatory damages calculated from June 6, 2016 (the breach date as determined by Magistrate Judge Netburn), to October 25, 2023 ($\$1,295,974 \times .09 = \$116,637.66 \div 365 = \$319.555232876$ per day $\times 2697$ days), (3) \$647,987 in punitive damages, and (4) \$314,576 in attorney's fees.

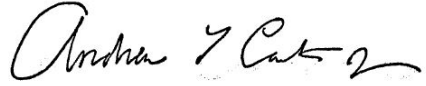
In November 2019, the Court found Defendant Lawson Foods, LLC, Simon Law, and Fortress Foods, LLC, to be in contempt of the Court and jointly and severally liable to pay Plaintiff Vista Food Exchange, Inc. a contempt award in the total amount of \$392,376, representing \$314,576 in attorney's fees and \$77,800 in accrued daily contempt fines, with the accrued daily contempt fines being separate and apart from the Court's above judgment. It is hereby further ORDERED, ADJUDGED AND DECREED that Lawson Foods, LLC, Simon Law, and Fortress Foods, LLC, jointly and severally, shall pay the unpaid portion of the Court's prior contempt award of \$392,276 to Plaintiff Vista Food Exchange, Inc. within 30 days of the date of this Amended Judgment, or face possible further civil contempt proceedings. The Court shall retain jurisdiction over any further contempt proceedings.

It is further ORDERED, ADJUDGED, AND DECREED that post judgment interest is payable on the above judgment amounts pursuant to 28 U.S.C. § 1961 calculated from the date of judgment to the date of payment.

The Court orders execution to issue for this Amended Judgment. This Amended Judgment is a FINAL judgment. The Clerk of the Court is respectfully directed to file this judgment in both 17-cv-07454 and 21-cv-04689.

SO ORDERED.

Dated: October 26, 2023
New York, New York

A handwritten signature in black ink, appearing to read "Andrew L. Carter, Jr.", written in a cursive style.

ANDREW L. CARTER, JR.
United States District Judge